

# APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office..... OCT 6 1969  
 Returned to applicant for correction..... JAN 7 1970  
 Corrected application filed..... MAR 9 1970  
 Map filed..... MAR 9 1970

The applicant..... Henry Filippini  
 of..... Battle Mountain....., County of.....  
 State of..... Nevada....., hereby make.... application for permission to appropriate the public  
 waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorpora-  
 tion; if a copartnership or association, give names of members.).....

1. The source of the proposed appropriation is..... Filippini Well No. 1.....  
Name of stream, lake or other source.
2. The amount of water applied for is..... .5.....second-feet  
One second-foot equals 448.83 gals. per min.  
 (a) If stored in reservoir give number of acre-feet.....acre-feet
3. The water to be used for..... stockwatering purposes.....  
Irrigation, power, mining, manufacturing, domestic, or other use.
4. If use is for:
  - (a) Irrigation (state number of acres to be irrigated).....
  - (b) Stockwater (state number and kinds of animals to be watered)..... 300 head of cattle.....
  - (c) Other use (describe fully under "No. 11. Remarks").....
  - (d) Power:
    - (1) Horsepower developed.....
    - (2) Point of return of water to stream.....
5. The water is to be diverted from its source at the following point:..... NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 13, T. 25 N.,  
 R. 44 E., M.D.B.&M., or at a point from which the northeast corner of said  
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,  
 Section 13 bears N 64° 06' E., 1199.00' feet.  
it should be stated.
6. Place of use..... At Point of Diversion. It is on unsurveyed land as near as could  
Describe by legal subdivision, if on unsurveyed land it should be so stated.  
 be determined from available maps of the area.....
7. Use will begin about..... January 1st..... and end about..... December 31st....., of each year.  
Month Month
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans  
 and specifications of your diversion or storage works.)..... Well and windmill; metal tanks and  
 troughs and dam.  
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

9. Estimated cost of works \$500.00
10. Estimated time required to construct works completed
11. Remarks From data available it has been determined that T 25 N., R 44 E., remains Un-surveyed. T 25 N., R 45 E., M.D.B.&M., is surveyed or rather was surveyed in June 1925.

Applicant Henry Filippini

By s/ W. H. Settelmeyer  
W. H. SETTELMEYER, Agent  
P.O. Box 349  
Elko, Nevada 89801

Compared jls/dc jw/hs

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit is issued subject to all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the period of use and the average number of cattle served from the waters of this source.

It is further understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to any other ground water development in the area. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times, but does not take responsibility for the use of the Federal range.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0282 cubic feet per second, or sufficient water to water 300 head of cattle

Actual construction work shall begin on or before February 17, 1971

Proof of commencement of work shall be filed before March 17, 1971

Work must be prosecuted with reasonable diligence and be completed on or before February 17, 1972

Proof of completion of work shall be filed before March 17, 1972

Application of water to beneficial use shall be made on or before February 17, 1973

Proof of the application of water to beneficial use shall be filed on or before March 17, 1973

Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed FEB 12 1971  
Completion of work filed FEB 12 1971  
Proof of beneficial use filed FEB 25 1971  
Cultural map filed  
Certificate No. 7631 Issued 6-28-71  
Recorded 2-12-71 Bk 105 Page 225  
Lander County Recorder

IN TESTIMONY WHEREOF, I Roland D. Westergard,  
State Engineer of Nevada, have hereunto set my hand and the seal of  
my office, this 17th day of August

A.D. 1970

Roland D. Westergard  
State Engineer

Exhibit A

This application is to supplant the application of Martin Filippini, Serial No. 7407, filed June 26, 1925, for the reason that it has become impossible to build a chain of title on the application in the State Engineer's Office.

The well was constructed on or before June 26, 1925, and consisted of a hand-dug well approximately 10 feet deep and 5 ft.x5ft. in width. It has been used at all times since its construction solely for stock-watering purposes, and is not an artesian well per the definition thereof contained in the Underground Water Law, NRS 534 et seq., for the reason that the static water level does not stand higher than where the water was first encountered.

Accordingly, Applicant asserts a vested right to the well, which he is not waiving by this application. Applicant recognizes the burden upon the State Engineer's Office of Applicant's request for adjudication of a vested water right for a matter of this size and has practically adopted the formula of this application for the purpose of documentation. In the event of any protests or contests in the future, Applicant reserves the right to assert his vested right and require adjudication thereupon.